

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 5, 2001 LB 55

disclosure, if you will, in which the structured settlement company says here is the percentage of your total award you are going to get. Here is the net amount. Here is the fees we're going to deduct and it also limits the fees that are used in...in the finance fee to the maximum consumer loan fee, which is, I think 19 percent in this state. This business is going on and I think it preys upon the weak and the unwary with the promise of a pot of gold. And for that pot of gold, people give up the appropriate timed basis of their settlements and they also give up the tax benefits when they come back and get the lump sum in this form that they wouldn't get through the court-approved annuity. By going back to the court, I think the tax benefits stay in place, as I recall, but let me not hold that out as the reason to vote for this bill. The reason to vote for this bill is this is a protection for the weak and the unwary from those who are profiting at their expense. Now these profiteers have recently organized. They have an association. They've just sent us a list of amendments they'd like to see. Apparently, it got to the Director of the Department of Insurance on Friday or Thursday. They are represented by Bill Mueller. My guess is that Bill, we may be hearing from them on Select File. I think the director is going to meet with them and talk to them and see what the amendments are about. I don't think the amendments are necessary. At this point, I ask for the advancement of the bill, and when called upon, I will explain a very small committee amendment that we have. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Senator Landis. There are committee amendments. Senator Landis, as Chairman of the Banking and Commerce and Insurance Committee, you are recognized to open on your committee amendments.

SENATOR LANDIS: Thank you, Senator Cudaback. The Uniform Commercial Code had the provision against the rest of the state laws' antiassignment rules. An assignment is where a contract has been formed, and one party gives a third person, who is not part of the contract, the benefits of the contract. For example, if I was to receive \$100 a month, I could assign that